

REMARKS

The Examiner has rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by Miller et al (U. S. Publication No. 2001/0021195 A1).

The Examiner states regarding claim 1, Miller et al discloses a communication system (100) comprising:

- one or more gateways (122, 124) coupled to a terrestrial network;
- one or more user terminals or mobile terminals (126, 128), which reads on claimed "subscriber terminals", that is to be coupled to a terrestrial network via a gateway (122, 124) connection or link; and
- a communication satellite (118, 120) providing forward and return communications links between the one or more gateways (122, 124) and the one or more said user terminals, as described in paragraph [0055], comprise a Mobile Telephone Switching Office (MTSO) (112), which reads on claimed "a switching network", that selectively couples signals between selected gateways (122, 124) and selected said user terminals using predetermined satellite communication links (146, 142, 150), which reads on claimed "beams", directing Applicants' attention to paragraphs [0048], [0049].

Applicants respectfully submit that in Miller et al (U. S. Publication No. 2001/0021195 A1) published September 13, 2001 there is disclosed a system and method for increasing user capacity on a slotted random access channel in a spread spectrum communications system by using a multi-part access probe. First and second parts of the access probe are modulated using a short PN code sequence, and the entire access probe is modulated using a long PN code sequence. Information to be transmitted by the access probe is modulated on the second part of the access probe, and the access probe is transmitted so that the first part of the probe falls within the boundaries of an access channel slot. In one embodiment, time slots in access channels used for access signal reception are made the length of the first part. In a further embodiment, time slots in a plurality of adjacent access channels used for access signal reception may be longer than said first part but are offset in time from each other by the length or period of the first part.

Applicants respectfully submit that in [0055] there is stated Fig. 2 illustrates an example implementation of communication links used between a gateway 122 and a user terminal 126 in communication system 100. Two links are employed in communication system 100 to facilitate the transfer of communication signals between gateway 122 and user terminal 126. These links are referred to as a forward link 210 and a reverse link 220. Forward link 210 handles transmission signals 215 that are transmitted from gateway 122

to user terminal 126. Reverse link 220 handles transmission signals 225 that are transmitted from user terminal 126 to gateway 122.

Applicants respectfully submit that the Examiner has stated a communication satellite (118, 120) providing forward and return communication links between the one or more gateways (122, 124) and the one or more said user terminals, as described in paragraph [0055], comprising mobile telephone switching office (MTSO) (112) which reads on claimed "a switching network" that selectively couples signals between selected gateways (122, 124) and selected said user terminals.... The Examiner, as recited above, goes on to rely on [0048] and [0049] to disclose the claimed beams by Applicants.

Applicants respectfully submit that no where in the Miller et al publication in [0055] and [0048], more specifically in [0055], relating to the communication links between one or more gateways and the one or more user terminals, is there disclosed forward and return communication links between the one or more gateways and the one or more subscriber terminals that each comprise a switching network that selectively couples signals between selected gateways and selected subscriber terminals using predetermined beams as required in claim 1. Applicants respectfully submit that no where in the Miller et al publication are the forward and return communication links disclosed to comprise switching networks that selectively couple signals between the selected gateways and selected subscriber terminals using predetermined beams as required by claim 1. Applicants respectfully conclude that Miller et al is devoid of any disclosure relating to forward and return communication links comprising a switching network that couples in the manner described in the instant claims and accordingly this rejection under 35 U.S.C. 102(e) must fail.

Although Applicants do not necessarily agree that links 146, 142, 150 read on claimed beams, directing Applicants' attention to [0048] and [0049], as contended by the Examiner, this does little to cure the deficiency of the switching networks recited above.

The Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Miller et al (U. S. Publication No. 2001/0021195 A1) in view of Chang et al (U. S. Publication No. 2002/0128045 A1).

The Examiner goes on to state that regarding claim 2 according to claim 1 Miller et al fails to disclose wherein the terrestrial network comprises the Internet.

The Examiner states that Chang et al teaches in paragraph [0043] and in claim 10 that the gateway is coupled to a terrestrial network comprised of the Internet.

Therefore, at the time of the invention, the Examiner concludes, it would have been obvious to a person of ordinary skill in the art to modify Miller et al (U. S. Publication No. 2001/0021195 A1) to include Chang et al (U. S. Publication No. 2002/0128045 A1) in order

to have terrestrial network comprised of the Internet to allow said user terminals accessibility to the Internet for retrieval of global information.

Applicants respectfully submit that in Chang et al (U. S. Publication No. 2002/0128045 A1) published September 12, 2002 there is disclosed a communication system which has a high altitude device having an adaptive antenna with a plurality of main array antenna elements for generating a plurality of communication beams. The system further includes a gateway station coupled to the high altitude device. The gateway station forms a plurality of beams commands by communicating plurality of a control signals to the high altitude device station to form the communication beams.

Applicants respectfully contend that although the Chang et al publication in its disclosure and in claim 10 disclose the use of the Internet in connection with a communication system which has a high altitude device, the system so described in the drawings, the specification and the claims does not suggest, teach or imply the communication system as described in the Miller et al publication and therefore it is Applicants' position that Chang et al is not properly combinable without relying on Applicants' disclosure to provide the terrestrial network comprising an Internet as required in claim 2. Furthermore, it is Applicants' position that Chang et al does little to cure the deficiencies of the Miller et al publication as recited above which are hereby respectfully incorporated by reference and therefore this rejection fails.

Applicants gratefully acknowledge the allowable subject matter in claims 3-10 and have rewritten said claims as instructed by the Examiner in the form of claims 11-18 so that claim 3 corresponds to newly presented independent claim 11 and dependent claims 12-18 depend therefrom.

Applicants gratefully acknowledge the Examiner's bases for allowability of claims 3-10, now rewritten as newly presented claims 11-18 as requested by the Examiner, which bases are hereby respectfully incorporated by reference.

In view of the above remarks and amendments, Applicants respectfully submit that all of the claims presently under prosecution have been seen to contain patentable subject matter and to be patentably distinguishable over the prior art of record, the Miller et al publication or Miller et al in view of Chang et al.

Canceled claims 3-10, now rewritten as claims 11-18 in accordance with the Examiner's suggestion, are allowable and accordingly Applicants respectfully request that this application be reexamined in view of the above remarks and amendments and that a Notice of Allowance be issued at an early date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "AW Karambelas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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